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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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11 STORUS CORPORATION,  
12 Plaintiff,  
13 v.  
14 AROA MARKETING, INC., et al.,  
15 Defendants

No. C-06-2454 MMC

# ORDER GRANTING DEFENDANTS' MOTION TO CHANGE TIME; DENYING DEFENDANTS' MOTION TO RE-OPEN DISCOVERY AND REINSTATE INVALIDITY DEFENSE

18 Before the Court is defendants Aroa Marketing, Inc. and Skymall, Inc.’s “Motion to  
19 Change Time Pursuant to Local Rule 6-3” (“Motion to Change Time”), filed February 11,  
20 2008. Plaintiff Storus Corporation has filed “Opposition to Defendant’s Motion to Change  
21 Time,” to which defendants have replied. Having read and considered the papers filed in  
22 support of and in response to the Motion to Change Time, the Court rules as follows.

23 By the instant motion, defendants seek to shorten time to hear defendants' "Motion  
24 to Re-Open Discovery and Reinstate Invalidity Defense" ("Motion to Re-Open") filed  
25 February 11, 2008. Defendants assert the Motion to Re-Open should be heard before  
26 March 10, 2007, the date the trial is scheduled to begin. In their "opposition" to the Motion  
27 to Change Time, plaintiff does not address whether the Motion to Re-Open should be

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1 heard on shortened time; rather, plaintiff addresses the merits of the Motion to Re-Open.<sup>1</sup>  
2 Similarly, defendants' reply to plaintiff's "opposition" to the Motion to Change Time consists  
3 of defendants' response to plaintiff's substantive arguments regarding the Motion to Re-  
4 Open.

5 Under such circumstances, the Court hereby GRANTS defendants' Motion to  
6 Change Time, deems the Motion to Re-Open submitted on the above-referenced papers,  
7 and rules as follows.

8 Defendants have failed to show plaintiff violated any rule of disclosure or discovery.  
9 Further, defendants have failed to show the requisite diligence in connection with their  
10 acquisition of the newly-discovered information; in particular, defendants have failed to  
11 show the time at which such information first became available to the public through the  
12 use of internet search engines, or the details of their prior attempts to obtain information of  
13 such nature.

14 Accordingly, defendants' Motion to Re-Open is hereby DENIED.

15 **IT IS SO ORDERED.**

16  
17 Dated: February 14, 2008  
18

  
MAXINE M. CHESNEY  
United States District Judge

27 <sup>1</sup>Plaintiff's opposition includes a request for sanctions. The request is hereby  
28 DENIED as procedurally improper. See Civil L.R. 7-8 (providing motion for sanctions must  
be separately filed and noticed for hearing).